

S.B.Cr.Misc. Second Bail App. No.840/2007

(Surendra vs. State of Rajasthan)

Date of order : July 06, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr. J.R.Beniwal, for the petitioner.
Mr. Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioner and the Public Prosecutor for the State. Perused the order impugned and the challan papers as also the statements of the prosecution witnesses. I have carefully gone through the statement of the prosecutrix.

It is contended by the learned counsel for the petitioner that earlier also, an FIR was lodged for outraging the modesty of the victim but subsequently another FIR has been lodged alleging rape.

Be that as it may, without commenting on the merit of the case, which may prejudice the case of either party at the trial having considered the totality of facts and circumstances of the case and the fact that there was earlier an FIR, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Surendra s/o Banne Singh be released on bail in FIR No.72/2006, P.S. Sidhmukh, Distt, Churu provided he furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

m.asif/-